

MINUTES OF HARRISONBURG PLANNING COMMISSION

August 10, 2011

The Harrisonburg Planning Commission held its regular meeting on Wednesday, August 10, 2011, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Charles Chenault, MuAwia Da'Mes (arrived at 7:07), Alan Finks, Deb Fitzgerald, and Bill Jones.

Members absent: Judith Dilts and Henry Way.

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, City Planner; Alison Banks, Planner and Secretary.

Chairman Jones called the meeting to order and determined there was a quorum with four of seven members in attendance. He then asked if there were any corrections, comments or a motion regarding the minutes from the July 13, 2011 Planning Commission meeting.

Mrs. Fitzgerald moved to approve the minutes from the July 13th Planning Commission meeting.

Mr. Finks seconded the motion.

Mr. Chenault abstained from voting because he was not in attendance at the meeting.

All voted in favor of approving the minutes. (3-0)

New Business

Zoning Ordinance Amendment – 10-3-118 and 10-3-139 (c) Application Fee Increases

Chairman Jones read the request and asked staff to review.

Mr. Fletcher said staff is recommending two City Code amendments to reflect current application costs. With the implementation of the City's 2011/2012 fiscal year budget, Section 10-3-118 of the Zoning Ordinance, which stipulates the fees for requesting a rezoning or comprehensive plan amendment, should be updated to reflect the newly adopted application fees.

During the most recent budget proposal process, staff proposed increasing the base fee by just over 15 percent, from \$325.00 to \$375.00. We also proposed increasing the per-acre cost by 20 percent, from \$25.00 per acre to \$30.00 per acre.

This fee change also increased the application cost for special use permits (SUP) because Section 10-3-127 of the Zoning Ordinance indicates that the procedures for applying for a SUP are the same as prescribed in Article U, which includes the section for this proposed amendment.

Since the budget was approved as presented for this matter, Section 10-3-118 should be amended as follows:

Each request for amendment to this chapter, including the zoning map and for amendment to the comprehensive plan, shall be accompanied by a check for ~~three hundred twenty-five dollars (\$325.00) plus twenty-five dollars (\$25.00)~~ three hundred seventy-five dollars (\$375.00) plus thirty dollars (\$30.00) per acre made payable to the city.

In addition, if the rezoning or comprehensive plan amendment requires a traffic impact analysis review by the Virginia Department of Transportation (VDOT), then all additional fees for those reviews shall be made payable to the Virginia Department of Transportation. If the rezoning or comprehensive plan amendment requires a traffic impact analysis review,

only by the city, then one thousand dollars (\$1,000.00) shall be made payable to the city.
These applications shall not be considered accepted until the TIA has been reviewed.

Similar to the Code amendment submission above, during the 2011/2012 budget proposal process, staff proposed increasing the application fees regarding matters associated with the Board of Zoning Appeals (BZA). Section 10-3-139 (c) (1) and (2) indicate the fees that must be submitted when requesting a BZA hearing to appeal an administrative decision by the Zoning Administrator and when requesting a variance from the Zoning Ordinance, respectively.

Since the budget was approved as presented for the fee increase to the above mentioned requests, Section 10-3-139 (c) shall be amended to reflect the accurate application costs. Although the amendment as shown below reflects costs increasing from \$175.00 to \$275.00, the actual increase was only 10 percent. This is because the application fees for these matters were increased during the 2007/2008 budget process, from \$175.00 to \$250.00, but the Code was never updated to reflect the change.

Section 10-3-139 (c) should be amended as follows:

(c) Filing Fees:

- (1) All persons, firms or corporations appealing to the board of zoning appeals shall be required to pay, at the time the application is submitted, ~~one hundred seventy-five dollars (\$175.00)~~ two hundred seventy-five dollars (\$275.00) per request for expenses relative thereto.
- (2) All persons, firms or corporations applying for variances under the provisions of this chapter or applying for an amendment of a variance already approved shall be required to pay, at the time the application is submitted, ~~one hundred seventy-five dollars (\$175.00)~~ two hundred seventy-five dollars (\$275.00) per request for expenses relative thereto.
- (3) The payment of such money in advance to the office of the administrator as specified shall be deemed a condition precedent to the consideration of such appeal, variance request or requested amendment to a variance already approved.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked if there was anyone wishing to speak in favor of or in opposition to the proposed amendment. Hearing none, he closed the public hearing and asked for a motion.

Mrs. Fitzgerald moved to approve the amendments as written.

Mr. Chenault seconded.

Chairman Jones called for a voice vote on the motion.

All voted in favor (4-0) of the motion to recommend approval of the ordinance amendments.

Zoning Ordinance Amendment – 10-3-13 Penalties (Removal of Fine Reference)

Chairman Jones read the request and asked staff to review.

Mr. Fletcher said staff is proposing to amend the City Code Section 10-3-13, which specifies the penalty associated with violating the provisions of the Zoning Ordinance. Currently, this section indicates that if someone violates the Zoning Ordinance, they could be convicted of a misdemeanor and may be required to pay a fine of up to \$1,000.00. Staff would like to update this part of the

Code by indicating the class of misdemeanor for this type of conviction while also removing the fine associated with the charge to allow the courts to determine the appropriate punishment. Staff is recommending Section 10-3-13 be amended as shown below:

Any person, *firm, or corporation* found in violation of any provision of this chapter, upon conviction *shall* be guilty of a *class 1* misdemeanor, ~~and shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00).~~

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked if there was anyone wishing to speak in favor of or in opposition to the proposed amendment. Hearing none, he closed the public hearing and asked for a motion.

Mr. Chenault moved to approve the ordinance amendment as presented.

Mr. Finks seconded the motion.

Chairman Jones called for a voice vote on the motion.

All voted in favor (4-0) of the motion to recommend approval of the ordinance amendment.

Unfinished Business

None.

Public Input

None.

Report of secretary and committees

Mr. Fletcher said proactive zoning targeted the Keister Elementary section of the City, where they found eight violations consisting of inoperable vehicles and discarded materials. Next month the Zoning inspectors will be inspecting the 500-600 Block of South Main Street.

Other Matters

Mr. Fletcher said I want to bring up the discussion of potentially amending Chapter 11 of the Comprehensive Plan; specifically, the reference to the Northwest Connector. The Northwest Connector is an approximate three mile road improvement connecting Garber Church Road and Switchboard Road to Route 42 in the County. Most of this connector lies within the County; there is approximately 1,000 feet within the City that we would be responsible for. There was discussion with the Metropolitan Planning Organization (MPO) and the City Council meetings about whether or not this road and other associated roads, such as the Southeast Connector and the Southwest Connector, should be shown on the City's Comprehensive Plan. I spoke with members from the Technical Advisory Committee (TAC) from the MPO and they all said that as of this time they have not made a decision whether they will remove the Northwest Connector from the MPO Constrained Long Range Plan (CLRP). I also spoke with Rhonda Cooper from Rockingham County, they will be doing their Comprehensive Plan next year, and she said as of right now they would probably keep it on the map unless the MPO changes it on the CLRP.

Mr. Chenault said this discussion came up at the MPO meeting when we were considering the CLRP, which is a plan designed for 25 years. At the meeting, there was a group of about ten people objecting to including the Northwest Connector, as well as the Southeast Connector and the Southwest Connector in the CLRP. These objections were referred to the TAC, who will report back to the MPO, and then the MPO will make a decision. If you recall during Planning

Commission's public hearing for the Comprehensive Plan there were two individuals present that asked that the Northwest Connector be removed from the City's plan.

Mr. Fletcher asked Mr. Chenault what he would like to accomplish this evening.

Mr. Chenault said I believe there are some people on City Council that are inclined to remove the City portion of this connector because there is no money available to build it. I think it was appropriately forwarded to us to consider it and report back.

Mr. Finks asked if we remove this will it be completely gone; it will never be heard of again?

Mr. Chenault said if it is removed from the entire plan and they decide to build the road; they can still go ahead and build the road. If the MPO still exists at that time, the connector will have to go back on the plan for a certain period of time before the money is appropriated for construction. That is a requirement if Federal funds are going to be used for the project. That is why it would be placed back on the plan if it is removed. I also have no idea what Rockingham County is going to do at this time.

Mrs. Fitzgerald asked if there was any sense about when the MPO might make a decision regarding the connectors.

Mr. Fletcher replied it would be after November. He then said staff briefly discussed whether the Northwest Connector should remain in the Comprehensive Plan or be removed and our recommendation would be to just leave it in until the MPO makes a decision. Whether or not you decide to amend the Comprehensive Plan, more discussion will need to take place; there would need to be a public hearing and so forth.

Chairman Jones said just having this in our Comprehensive Plan does not obligate us to anything and it does not cost us anything.

Mr. Finks said I see no reason to take this out of the Comprehensive Plan.

Chairman Jones said taking it out of the Comprehensive Plan does not necessarily make it go away. There are individuals that are opposed to the connectors and, to a degree, I understand that. On the other hand, I live in a neighborhood where 25 mile per hour streets are used as connector streets, and it is getting more and more traffic all the time. If the population continues to grow, which I assume it will, especially with James Madison University, we are going to need some of these types of connectors to alleviate the traffic problems that are going to occur. We must be realistic.

Mr. Da'Mes asked why, out of all the connectors shown, this one was chosen for removal.

Mr. Chenault said this is the only connector that is within the City; but, the intent is to remove all of the connectors.

At this time Mr. Fletcher reviewed the location of the Southeast and Southwest Connectors.

Mr. Chenault said if I am not mistaken, some of these are the roads that the County is seeking funding for right now.

Mr. Fletcher said I believe so.

Mr. Finks said I think we are putting the cart before the horse.

Mr. Chenault thanked Planning Commission for their input and said I can certainly take all of this back to the MPO and City Council.

Mr. Da'Mes asked staff when Planning Commission would be seeing something on the landscape/streetscape plan.

Mr. Fletcher replied that progress has been made with the ordinance and hopefully, after one more in house review, we will be ready to give it to some other City Departments to review and comment on. We may want to get some outside input on the document too. We are pushing hard to get it done.

Adjournment

The meeting was adjourned at 7:20 p.m.

Chairman William L. Jones, Jr.

Secretary, Alison Banks